

BOY ASKS ADVICE ON THE LAW

WANTS TO CARE FOR SISTERS; POINTS FROM ALBANY.

Albany, N. Y., July 15.—General O'Malley tells Fred Bunderwald to get a guardian and that his uncle has no right to the child. Fred says he has a will.

Fred Bunderwald is a serious-faced youngster of 17 who works in a tobacco and candy store at 207 East Twenty-second street and lives in the flat building on the stairs. He has three sisters, younger than himself, and last March their mother died. The two elder girls went to live with an uncle in Jersey City. It wasn't their wish to leave their mother and their baby sister, and it was against the boy's strongest opposition and they went.

Bunderwald wanted to keep the family together and he believed that the uncle's right to his sisters was questionable. The law bothered him, however, and so he decided to consult the highest legal authority that he knew. He wrote to the Attorney-General of this State and to the same official in New Jersey. Yesterday he heard from Nelson B. Gaekell, Assistant Attorney-General of New Jersey, who wrote for his chief, Edmund Wilson. In the first mail this morning there will be a letter from the boy from Attorney-General O'Malley in Albany.

It was only on Wednesday that Fred sent his two letters. The one that went to Albany was this:

NEW YORK, July 13, 1910.

DEAR SIR: I am a boy 17 years old, working every day and earning a good living but not enough to afford a lawyer. Will you tell me the real law? My mother died four months ago, an uncle broke up our home and took my sisters, one 14 in August, the other 11 soon, they are very unhappy and want me to take them if they leave my uncle and come to me or have my children. My rights, my uncle says he would send me to prison and the girls to an institution, nothing to say about ourselves since my mother died. Won't you please help us by telling us just what we can do by law? Sincerely, F. BUNDERWALD, 207 East Twenty-second street, candy store.

Fred didn't tell the Attorney-General that his father died three years ago and that this was the reason he was shouldering all the family troubles. The letter made enough of an impression upon Mr. O'Malley to cause him to overlook the fact that he doesn't usually advise upon personal matters, and this is part of the reply from him that will come to Fred this morning.

It is not my practice to answer letters relating to family matters or individual troubles, but as you write that you are a poor boy, not having sufficient to pay a lawyer, I will make an exception in your case.

Your uncle has no right to the custody of your sisters or to take possession of their property, if they have any, unless he has been appointed their guardian by the Surrogate of your county or by the will of your father.

Your sister, who is over 14 years of age, may choose her own guardian. If you are of a relative or friend of your family, he is willing to act as her guardian, the Surrogate will appoint him. I would advise you in that case to go to the Surrogate's office of your county and state the facts to him. He will then appoint a good person to act as guardian. Your uncle cannot send you to prison or put your sisters in any charitable institution as long as you comply with the law or your sisters become a public charge. I would advise you to go to the Surrogate's office of your county and I feel sure that he will help you as to your rights so you will have no further trouble.

The New Jersey authority doesn't agree in all particulars with Mr. O'Malley. He says of whom Fred spoke in his letter is a citizen of New Jersey, and Mr. O'Malley is confined himself in his reply almost entirely to the boy's duties toward his relatives.

There is a close closer relative than your uncle, he wrote, "he is the party who is entitled to act as guardian unless he is not appointed some other person. Your uncle should be within his rights." From what you say, that your uncle would send you to prison and the girls to an institution if they should leave your uncle and go to live with you in New Jersey, although I do not know what the law of New Jersey is on this subject.

If your uncle is cruel to these two sisters or treats them badly, I do not believe a court would appoint him their guardian or allow him to act as such.

Fred was behind the counter in his candy store when inquiries came asking him about his way of getting at the law. He was just a little awed by the fact that his letters had been answered.

He came out on the steps to answer questions. Albert Sanford, a distant relative, came in to see him and with him Fred's smallest sister, who is living now in Jersey City. The young lady herself is named as Marie and she is 2 years old. She is attempting to reach the candy store in the absence of her big brother, who is in Jersey City. They all lived up with Mr. Sanford, said the boy, when his mother died last March.

His brother, Henry Teppelman told him that he and Carrie that they would have to live with his family at 14 Perry street in Jersey City. They didn't want to go at all and I wanted to keep the girls together.

These two sisters were going to live just as soon as they could. I went to Public School 14 and the principal was for them to go to high school after that to some normal school. We all kicked at the change, but we all did it together.

My mother said, "I told you I was making \$10 a week and that I would supply the rest, enough to keep all the family. Then he took the collar and threw me out of the house and told me that about prison for me and institution for the girls. No I wrote the letters."

The boy also said that he had made inquiries at the Surrogate's office and that he understood a guardian had been appointed by Fitzgerald of 27 Nassau street. After the notification he hadn't heard from this lawyer.

Henry Teppelman said last night that his sister's will had given him the custody of the children. He said that after her husband's death she had married a man named Holzhacker Bauer, who was still alive. Sanford, he said, had been a disturbing element for many years in the family. It was on account of his influence and also because of the destitute condition of the children at the time of his sister's death that he had asked the Gerry society to look out for them.

Then he thought afterward that the best way was for him to take the elder girls himself. He said that he believed Sanford was responsible for Fred's letter.

The balance of Fred's letter, from the insurance money, he said, was in the hands of Booth & Blank, lawyers at 271 Broadway. He wanted everything explained in court before he would give up the girls.

MRS. K. C. GOLD WINS.

Big Bill Hawley's Suit for \$2,428 Dismissed in Court.

Justice Giegerich in the Supreme Court yesterday sustained the application of Clarence J. Shearn, counsel for Mrs. Katherine Clemmons Gould, that the complaint of William C. Woodward, known as Big Bill Hawley, against Mrs. Gould be dismissed.

Woodward sued Mrs. Gould for a debt of \$2,428 on an alleged loan made by him in 1891. Mrs. Gould set up the statute of limitations in her defence.

RIG FINES ON LIEP CAPTAINS.

Collector Loeb's Office Imposes Penalties on American and Red Star Shippers.

Officials of the International Mercantile Marine were surprised yesterday to learn through reporters that the masters of the American liner New York and the Red Star liner Gothland were liable respectively to fines of \$23,721.55 and \$20,774.30 for bringing over "sleeper" trunks in violation of a typewritten statement saying that the collector through Collector Andrews had notified the agents of the two lines that the shippers were liable to the penalties mentioned above.

The typewritten statement said that the seized trunks "were forfeited to the United States and the contents sold by Marshal Henkel" and as a result of the seizure there had been "numerous convictions of dressmakers of New York and elsewhere and other persons associated with them in the conspiracy, including employees of the Red Star and American lines."

The statement concludes thus: "The penalties imposed against the masters are due to their omission to manifest the five trunks which contained the merchandise and for having permitted the landing of such trunks containing the merchandise without the permit required by law."

W. Thomas and Mr. Ridgway of the International Mercantile Marine said they had received no notification from the collector and were inclined to doubt the genuineness of the report until they saw the typewritten statement. They said their company had given the information leading to the uncovering of the frauds and had furnished the Government through the United States Attorney evidence without which it would not have been possible to convict the guilty.

It was said at the collector's office that under section 2866 of the Revised Statutes a commander of a vessel that brought in merchandise not included or described in the manifest, or failing to agree with the manifest, was liable to a penalty equal to the value of the merchandise so brought in.

Other sections of the statutes provide that no merchandise shall be unloaded and brought in but in open day, except by special license from the collector, and if goods are brought in otherwise the captain of the vessel and others present at the unloading or in any way concerned in the removal or storing of such goods shall be liable.

The impression in the collector's office is that the company probably will seek an investigation before a United States District Court with a view of showing cause why the penalties should not be mitigated or entirely remitted. The case finally will go to the Secretary of the Treasury and he will determine what shall be done with the shippers. It is unlikely that they or the International Mercantile Marine will have to pay any fines.

BUSINESS FURTHER UP 34TH AVE.

Lot at Fifty-second Street Sold, With Restrictions Removed.

The estates of Edward H. Harriman and William D. Sloane have sold to Robert E. Dowling, president of the City Investing Company, the vacant plot at the northeast corner of Fifth avenue and Fifty-second street, being 115 feet on the avenue and 130 feet on the street. The property has been held at \$1,750,000. It was formerly the site of the old Hotel Langham.

The Harriman and Sloane interests have agreed to take off the restrictions which provide that the property must be improved with private dwellings. The Crookshank Company was the broker in the transaction.

For seven years the Vanderbilt and Sloane families have fought to maintain the residential character of Fifth avenue in the vicinity of their homes at Fifty-first, Fifty-second and Fifty-third streets. They have spent large sums of money to prevent business from getting a foothold in the section, but at last have given up the fight.

It was after they had had a scare over the southeast corner of Fifth avenue and Fifty-second street that the Vanderbilts took action by purchasing the old hotel from the Shannon estate, for which they paid \$1,350,000.

That part of the site comprising a plot 265x130 on the immediate corner has changed hands several times. First James Henry Smith bought the plot. Soon afterward he bought the William C. Whitney house at Fifth avenue and Sixty-eighth street and sold the Fifty-second street corner to Commodore Frederick G. Bourne, who in turn sold it to Edward H. Harriman. The rest of the Langham site, 65x130, has been held by the Vanderbilt and Sloane interests ever since it was purchased from the Shannon estate.

WHEN SLEEP FALLS.

Take-Hoofers' Aid in Sleep.

When sleep falls, take-Hoofers' Aid in Sleep. The body and induces refreshing sleep.

THE TONGS WAR OVER WHITE GIRL.

AND CHU ON IS TARGET FOR ON LEONG BULLETS.

He is Dying, but White Girl is Still Held by Four Brothers Tong and Police Fear the Old War Is On Again—On Leong, Whom Police Suspect, Caught.

Because a Four Brothers Chinaman two weeks ago coaxed a white girl out of the tenement at 22 Mott street, thereby upsetting the domestic life of Leon Parker, half white, half Chinese and wholly On Leong, the halting, deadly warfare between Chinatown's two tongs erupted again yesterday afternoon. Chu On, a Four Brothers man, who had nothing in the world to do with the trouble with the girl, was so reckless as to stray into Mott street about 4 o'clock. He hadn't been there five minutes before he lay on his back in the middle of the street with five bullets in his body.

Chu On is a Four Brother because he was born a Chu, very much the same as a man born with the surname Hohenzollern is likely to belong to the German royal family. Chu On works in laundries when he labors at all. He is thought by the police to have been one of the three men who in the dark early morning of December 30, 1909, shot and killed Ah Hoon, the comedian among the actors at the Chinese theatre. All three men escaped. Ah Hoon was an On Leong man.

Whether Chu On had anything to do with Ah Hoon's murder or not he disappeared from Chinatown at that time. Since then he has been travelling from here to San Francisco, from El Paso to Chicago. Thursday night he got back in Pell street from Albany.

The Four Brothers were glad to see him and gave him all the latest news, including the strained relations between themselves and the On Leongs.

"Be very careful, On," said a white bearded old Chinaman and thumped the pavement with his gold-headed cane. "You must not venture in Mott street."

"One of our younger men two weeks ago stole the white girl of Leon Parker, an On Leong at 22 Mott street. A few days ago Jim Gam, secretary of On Leong, sent a formal demand to us to surrender this girl. This young man of who stole her is rash. We cannot make him behave. He is the peckmarked fellow over yonder at 11 Pell street. You do not know him."

"Of course we sent back word through the white girl detective who brought us the On Leong demand that as a tong we were not responsible for the deeds of every member. We do not elect them. They are born Four Brothers and if they are bad we cannot help it."

Chu On replied that he had been away a long time and did not believe the On Leongs would readily recognize him. He wanted to go into Mott street.

Yesterday Chu On poured libations into himself and swung into Mott street from Chatham Square with a swagger. Mott street was full of trucks. Chinamen lounging in doors and children. The street was busy but peaceful. A plump faced Chinaman with sliding eyes glimpsed the swaggering Chu On turning the corner and said one sharp, high pitched word.

Instantly the doorways were filled with men who stepped out on the sidewalk and stood like rows of infantry, relaxed, silent, watchful. These were the gun fighters of On Leong with their backs to the wall.

Chu On had the roadway to himself. He listed a bit as he turned toward the grocery store at 11 Mott street. His arm brushed the pongee sleeve of a recruit gunman and he sneered the untranslatable insult, "Margahat!"

Some one gave him a shove and Chu On found himself off the curb. The recruit fired him with one swift shot and he fell. Chu On had not the mind to turn and flee. His lips had no more than twisted to utter another poisonous word when five shots sounded and he crumpled up on the pavement.

Joe McDonald was the policeman on post. He saw the recruit who had faced Chu On dart into the grocery store at 11 Mott street. McDonald sprang after him.

Through the store they went. The recruit went through the shop and over a back fence into the yard. He got to the place where the sound had come he found Chu On had not the mind to turn and flee. His lips had no more than twisted to utter another poisonous word when five shots sounded and he crumpled up on the pavement.

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